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9 Attorneys for Defendant  
 SKYWEST AIRLINES, INC.

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **SAN FRANCISCO DIVISION**

13 SKYWEST PILOTS ALPA ORGANIZING  
 14 COMMITTEE, et al.,

15 Plaintiffs,

16 vs.

17 SKYWEST AIRLINES, INC.,

18 Defendant.

19 **Case No. C-07-2688 CRB**

20 **DEFENDANT'S OPPOSITION TO  
 MOTION TO DISMISS PLAINTIFF  
 STEVE DOW**

21 Date: June 20, 2008

22 Time: 10:00 a.m.

23 Place: Courtroom 8, 19<sup>th</sup> Floor

24 Defendant SkyWest Airlines, Inc. ("SkyWest") hereby files its opposition to the Plaintiffs'  
 25 motion to dismiss Steve Dow as a party to this matter, without prejudice. SkyWest objects to  
 Captain Dow's dismissal at this stage of the proceedings given his substantial role in the case to date,  
 and because Plaintiffs' motion seeks to deny, or at least complicate, SkyWest's ability to take  
 discovery from Captain Dow.

26 According to the declaration he submitted in support of the Plaintiffs' motion for a  
 27 preliminary injunction in this matter, Captain Dow was one of the founders of the SkyWest Pilots

1 ALPA Organizing Committee. He was the Plaintiffs' first – and lengthiest – witness at the hearing  
2 on their preliminary injunction motion. *See Declaration of Douglas Hall ("Hall Decl."), ¶ 2.*

3 On February 21, 2008, SkyWest served interrogatories and document requests on the  
4 Plaintiffs, including Captain Dow. Plaintiffs' responses, therefore, originally were due on March 24,  
5 2008. On March 17, 2008, Plaintiffs' counsel requested an extension until April 21, 2008 for the  
6 Plaintiffs' discovery responses. SkyWest's counsel agreed to that request. Hall Decl., ¶ 3.

7 At no time during the discussions concerning Plaintiffs' requested extension to the deadline  
8 for submitting their discovery requests did Plaintiffs' counsel mention that Captain Dow was leaving  
9 SkyWest's employment or that the Plaintiffs would seek to have him dismissed as a Plaintiff as a  
10 result. If SkyWest had been aware of those facts, it would not have agreed to extend the deadline for  
11 Captain Dow's discovery responses. Because of the Plaintiffs' position that Captain Dow should be  
12 dismissed, Captain Dow has yet to respond to the discovery requests propounded on him by  
13 SkyWest. In addition, to date, Plaintiffs have taken the position that SkyWest should not be  
14 permitted to take the depositions of any of the individual Plaintiffs who, like Captain Dow, testified  
15 at the preliminary injunction hearing, on the theory that they "have already been subject to lengthy  
16 cross-examination." Hall Decl., ¶¶ 4-5.

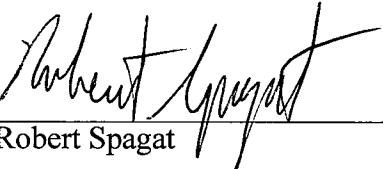
17 If Captain Dow were dismissed as a plaintiff in this suit, there would be nothing to prevent  
18 him from subsequently appearing on Plaintiffs' behalf in this matter (either at trial or via affidavit in  
19 connection with a dispositive motion). In light of Captain Dow's significant involvement in this  
20 case to date, and the role he potentially could play in this case in the future, SkyWest's need to  
21 obtain discovery from him is patent. Plaintiffs should not be permitted to take advantage of  
22 SkyWest's cooperation in agreeing to extend the deadline for their discovery responses to shield  
23 Captain Dow from his obligation, as a plaintiff in this lawsuit, to respond to SkyWest's written  
24 discovery. Moreover, granting the motion to dismiss Captain Dow would force SkyWest to seek  
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1 discovery from him as a third-party – a process in which, no doubt, Captain Dow would continue to  
2 be represented by the same counsel. Thus, it makes little sense from a practical perspective to grant  
3 Plaintiffs' motion.

4 For all of the reasons set forth above, SkyWest requests that the Court deny Plaintiffs'  
5 motion to dismiss Captain Dow at this stage of the proceedings.

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7  
8 Dated: May 30, 2008

WINSTON & STRAWN LLP

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10 By:   
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12 Robert Spagat  
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14 Attorneys for Defendant  
15 SKYWEST AIRLINES, INC.  
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